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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 526/2016 & I.As. 13096/2015, 2443-2444/2016

KARIM HOTELS PVT LTD

..... Plaintiff

Through: Mr. Amique Khalid, Advocate.

versus

KAREEM A DHANANI

..... Defendant

Through: Mr. Kshitij Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

16.11.2017

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Present suit has been filed for permanent injunction to restrain infringement, passing off, delivery up, damages etc.

No injunction order has been passed by this Court in the present suit.

Admittedly, the plaintiff has filed a proceeding before the Intellectual Property Appellate Board (for short 'IPAB') for cancellation of the defendant's mark. Present suit is being repeatedly adjourned since 17th February, 2016 to await the outcome of the IPAB.

This Court is of the opinion that no fruitful purpose would be served by repeatedly adjourning the present suit as not only the proceedings before the IPAB are bound to take time, but any order passed by the IPAB may be challenged by either of the parties.

Consequently, the present suit and pending applications are disposed of with liberty to the plaintiffs to file an appropriate proceeding after the

IPAB has disposed of the proceeding for cancellation of the defendant's mark and the said order has attained finality. The rights and contentions of all parties are left open.

Registry is also directed to issue to an authorised representative of the plaintiffs a certificate authorizing him/her to receive back from the Collector full amount of the Court fee paid by them in the present suit.

MANMOHAN, J

NOVEMBER 16, 2017

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